IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
Summary Suit No.1846 of 1994

Ram N. Shah .. .. Plaintiff
v/s.
Shashikala M. Kadam .. .. Defendant

Mr.D'Silva i/by D.S. Sakhalkar for Plaintiff.
Mr.S.M. Kazi, Dy. Sheriff, present.

CORAM : SMT.ROSHAN DALVI, J.

Dated : 8th September, 2008

P.C. :

1. The sale of the flat, which has already taken place through the Sheriff of Mumbai, is confirmed. The Sheriff shall hand over possession of the suit premises to the auction purchaser Mr.Surendra K. Salgia. The Prothonotary and Senior Master shall execute the necessary documents, including the Sale Certificate in favour of the auction purchaser. After the payment of the decretal amount in this Suit, the Sheriff of Mumbai shall pay over the liabilities of the suit flat in respect of the dues of Sheetal Co-operative Housing Society Limited to the said Society. The Sheriffs' Report shows Rs.3,01,764/- , payable to the Society as per the last bill submitted on 1.9.2008.

2. The flat has certain movables lying therein. An inventory of the movables is made. The movables have been in the flat for

more than 8-9 years. The movables are stated to have no value. The possession of the flat along with the movables shall be handed over to the auction purchaser.

3. The Plaintiff shall be entitled to hand over the movables to the flat purchaser also according to rules through the Sheriff of Mumbai.

4. The Sheriff of Mumbai shall be entitled to deduct his 1% poundage from the sale-proceeds. The Sheriff of Mumbai shall be entitled to deduct the valuation fees and the advertisement charges mentioned in the Report also from the sale-proceeds. The balance, if any, shall be deposited by the Sheriff of Mumbai with the Prothonotary and Senior Master of this Court.

[SMT.ROSHAN DALVI, J.]